

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations, LAC 33:III.5116 and 5122 (Log #AQ207*).

This proposed rule is identical to federal regulations found in 40 CFR Part 63, July 1, 1999, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 765-0399 or Box 82178, Baton Rouge, LA 70884-2178. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed rule incorporates by reference, into Chapter 51, additional federal regulations in 40 CFR Part 63, National Emission Standards for Hazardous Organic Air Pollutants (NESHAP), as well as removes previous references to Federal Registers. The state of Louisiana has received delegation of authority from EPA to implement NESHAP by "straight" delegation, which requires that we incorporate into the LAC rules as promulgated by EPA without changes. Louisiana incorporated certain NESHAP regulations by reference on January 20, 1997. In agreement with the revised delegated authority mechanism and with EPA grant objectives, the department is now incorporating additional NESHAP regulations by reference. These changes will expedite both the EPA approval process and the state implementation of delegation of authority for the NESHAP program. The NESHAP and the authority for EPA to delegate authority of that program to the state is established in the Clean Air Act Amendments of 1990, Section 112. This rulemaking is applicable to stationary sources statewide. The basis and rationale for this proposed rule are to mirror the federal regulations.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on September 25, 2000, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ207*. Such comments must be received no later than September 25, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-5095. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ207*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

' 5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Code of Federal Regulations* at 40 CFR part 61, revised as of July 1, 1998~~9~~, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the State of Louisiana.

40 CFR 61	Subpart/Appendix Heading
[See Prior Text in Subpart A - Appendix C]	

~~B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Federal Register* as promulgated February 12, 1999, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the State of Louisiana.~~

40 CFR 61	<i>Federal Register</i> Citation	Date Promulgated	Subpart/Appendix Heading
Subpart A	64 FR 7457	February 12, 1999	General Provisions
Subpart L	64 FR 7457	February 12, 1999	National Emission Standard for Benzene Emissions from Coke By-Products Recovery Plants
Subpart N	64 FR 7457	February 12, 1999	National Emission Standards for Inorganic Arsenic Emissions From Glass Manufacturing Plants

~~€B.~~ Corrective changes are made to 40 CFR part 61 subpart A, section 61.04(b)(T), to read as follows: State of Louisiana: Technical Support Section Program Manager,

Permits Division, Office of Environmental Services, Louisiana Department of Environmental Quality, Box 82135, Baton Rouge, LA 70884-2135.

Ⓓ C. Copies of documents incorporated by reference in this Chapter are available for review at the Office of Environmental Services, Environmental Assistance Division Information Center, Louisiana Department of Environmental Quality, or may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), LR 23:1658 (December 1997), amended LR 24:1278 (July 1998), LR 25:1464 (August 1999), LR 25:1797 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

' 5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR part 63, revised as of July 1, 1998⁹, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	SUBPART/APPENDIX HEADING
	[See Prior Text in Subpart A - Subpart Y]
<u>Subpart AA</u>	<u>National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants</u>
<u>Subpart BB</u>	<u>National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants</u>
	[See Prior Text in Subpart CC - Subpart GG]
<u>Subpart HH</u>	<u>National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities</u>
	[See Prior Text in Subpart II - Subpart RR]
<u>Subpart SS</u>	<u>National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process</u>
<u>Subpart TT</u>	<u>National Emission Standards for Equipment Leaks - Control Level 1</u>
<u>Subpart UU</u>	<u>National Emission Standards for Equipment Leaks - Control Level 2 Standards</u>
	[See Prior Text in Subpart VV]
<u>Subpart WW</u>	<u>National Emission Standards for Storage Vessels (Tanks) - Control Level 2</u>

40 CFR 63	SUBPART/APPENDIX HEADING
<u>Subpart YY</u>	<u>National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards</u>
<u>Subpart CCC</u>	<u>National Emission Standards for Hazardous Air Pollutants For Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants</u>
<u>Subpart DDD</u>	<u>National Emission Standards for Hazardous Air Pollutants For Mineral Wool Production</u>
[See Prior Text in Subpart EEE]	
<u>Subpart GGG</u>	<u>National Emission Standards for Pharmaceuticals Production</u>
<u>Subpart HHH</u>	<u>National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities</u>
<u>Subpart III</u>	<u>National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production</u>
[See Prior Text in Subpart JJJ]	
<u>Subpart LLL</u>	<u>National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry</u>
<u>Subpart MMM</u>	<u>National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production</u>
<u>Subpart NNN</u>	<u>National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing</u>
<u>Subpart PPP</u>	<u>National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production</u>
<u>Subpart TTT</u>	<u>National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting</u>
<u>Subpart XXX</u>	<u>National Emission Standards for Hazardous Air Pollutants for Ferrous Alloys Production: Ferromanganese and Silicomanganese</u>
[See Prior Text in Appendix A - Appendix D]	

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated February 12, 1999, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
Subpart A	64 FR 7457	February 12, 1999	General Provisions

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), LR 25:1464 (August 1999), LR 25:1798 (October 1999). amended by the Office of Environmental Assessment, Environmental Planning Division LR 26:690 (April 2000), LR 26: